

Ford	Olsen
Hill	Reader
Huddleston	Roberts
Hyder	Rutta
Lemens	Scarborough
Lotief	Spears
Mauritz	Stanfield
Moore	

The House, accordingly, at 11:00 o'clock a. m., adjourned until 10:00 o'clock a. m., next Monday.

### APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

> Counties: House Bill No. 52.  
Education: House Bill No. 53.

#### FIFTH DAY

(Monday, October 28, 1935)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Cowley
Adamson	Craddock
Adkins	Crossley
Aikin	Davis
Alexander	Davison of Fisher
Alsup	Davisson
Ash	of Eastland
Atchison	Dickison
Beck	Dunagan
Bergman	Dunlap of Hays
Bourne	Duvall
Bradbury	Dwyer
Bradford	Fain
Broyles	Farmer
Burton	Fisher
Butler of Brazos	Ford
Butler of Karnes	Fox
Cagle	Frazer
Caldwell	Fuchs
Calvert	Gibson
Canon	Glass
Celaya	Good
Clayton	Graves
Collins	Greathouse
Colquitt	Hankamer
Colson	Hanna
Cooper	Hardin

Harris of Archer	Newton
Harris of Dallas	Nicholson
Hartzog	Olsen
Head	Padgett
Herzik	Palmer
Hill	Patterson
Hodges	Payne
Hofheinz	Petsch
Holland	Quinn
Hoskins	Reader
Howard	Reed of Bowie
Huddleston	Reed of Dallas
Hunt	Riddle
Hunter	Roach of Angelina
Jackson	Roach of Hunt
James	Roane
Jefferson	Roark
Jones of Atascosa	Rogers
Jones of Falls	Russell
Jones of Shelby	Rutta
Jones of Wise	Scarborough
Keefe	Sessions
King	Settle
Knetsch	Shofner
Lanning	Smith
Latham	Stanfield
Leath	Steward
Lemens	Stinson
Leonard	Stovall
Lindsey	Tarwater
Lotief	Tennyson
Lucas	Thornton
Luker	Tillery
Mauritz	Waggoner
McCalla	Walker
McConnell	Wells
McFarland	Westfall
McKinney	Wood of Harrison
Moffett	Wood of Montague
Morris	Worley
Morrison	Young
Morse	Youngblood

Absent

Lange

Absent—Excused

Daniel	McKee
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	Roberts
Gray	Spears
Hyder	Venable

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Almighty God, we thank Thee for Thy loving-kindness, and for the challenge that comes to us as we confront the tasks and opportunities of the day and week. We pray for strength and for those blessings that we need and will be in line with the Divine will. In Christ's name. Amen."

## LEAVES OF ABSENCE GRANTED

The following members, were granted leaves of absence on account of important business:

Mr. McKee for today, on motion of Mr. Knetsch.

Mr. Pope for today and the balance of the week, on motion of Mr. Great-house.

Mr. England for today, on motion of Mr. Head.

Mr. Roberts for today, on motion of Mr. Crossley.

Mr. Venable for today, on motion of Mr. Stovall.

Mrs. Moore for today and the balance of the week, on motion of Mr. Thornton.

Mr. Hyder for today, on motion of Mr. Cooper.

Mr. Spears for today, on motion of Mr. Dickison.

Mr. Dunlap of Kleberg for today, on motion of Mr. Butler of Karnes.

The following members were granted leaves of absence on account of illness:

Mr. Fitzwater for today and the balance of the week, on motion of Mr. McConnell.

Mr. Daniel for today, on motion of Mr. Keefe.

Mr. Gray for today, on motion of Mr. Olsen.

## RELATIVE TO CONSIDERATION OF RESOLUTIONS

Mr. Alsup moved that the House dispense with the consideration of resolutions at this time.

The motion was lost.

## RELATIVE TO CAMPAIGN EXPENDITURES OF CANDIDATES FOR PUBLIC OFFICES

Mr. Caldwell offered the following resolution:

Whereas, In recent political campaigns in Texas and in court proceedings growing out of same, charges have been made of excessive campaign expenditures, and rumors have spread over the State of large contributions to campaigns by special interests, including those specially interested in violating laws of the State, as hot oil runners, tax evaders, bootleggers and gamblers; and

Whereas, The people of Texas, though they may be divided upon other questions, are certainly united in opposition to huge spending in political campaigns, producing the appearance of a barter and sale of public offices; and

Whereas, It is a time honored Democratic principle that citizens of small means and without rich supporters shall have equal opportunity with their wealthier fellow-citizens to serve in their State in public office; and

Whereas, In obedience to popular demand and to the principle above stated, this State has hitherto adopted statutes intended to strictly limit campaign contributions and expenditures in primary elections, which elections are decisive in this Democratic State; and

Whereas, The effectiveness of such statutes has been destroyed by recent court decisions in the cases of Kilday et al. vs. State ex rel Candler et al., reported in 75 Southwestern Reporter, 2d Series, and State ex rel Candler et al. vs. Court of Civil Appeals, reported in the same volume of Southwestern Reporter, which cases grew out of charges of large expenditures in the campaign of the present Governor for the Democratic gubernatorial nomination; and

Whereas, Another primary election is close at hand and may be held in advance of the settlement of questions of very great interest to groups hitherto charged with making large campaign contributions, including such questions as liquor control and control or abolition of gambling; and

Whereas, The coming primary will be held in Texas' Centennial Year, with the eyes of all the world turned on this State, and any scandal in connection with it might bring upon this State wider notoriety than the Lorimer case brought to Illinois or the Vare case brought to Pennsylvania; and

Whereas, The present legislative session probably will be the last before the 1936 primary; now, therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature, That this House hereby goes upon record as being strongly opposed to large campaign expenditures, either by candidates for office or by others in behalf of candidates, and that it declares itself in favor of equal op-

portunity for the man or woman of small means aspiring to public office, protected by strict limitations upon campaign contributions and expenses; and be it resolved

Further, That this House hereby respectfully calls the attention of the Governor to the necessity for legislation limiting campaign expenditures and requests him to submit that subject with his specific recommendation as to the laws that should be enacted for consideration at the present Session of the Legislature.

The resolution was read second time.

Mr. Morrison moved that the resolution be referred to the Committee on Privileges, Suffrage and Elections.

Mr. Caldwell moved to table the motion by Mr. Morrison.

The motion to table was lost.

Question recurring on the motion by Mr. Morrison, it prevailed.

#### CONCERNING PRESENTATION OF CERTAIN MEDAL

The Speaker laid before the House for consideration at this time, the following resolution:

S. C. R. No. 1, Concerning presentation of certain medal.

Whereas, On January 1, 1936, there will be held at the Indian Reservation near Livingston, Polk County, Texas, a celebration, celebrating the peace that has existed for one hundred years between the Alabama and Coushatti Indians, and the people of Texas; and

Whereas, This will be the first celebration commemorating the Centennial; and

Whereas, The Alabama and Coushatti Indians rendered valuable service to the Republic of Texas and to General Sam Houston by keeping the warlike Tonkawas off the warpath during the period prior to the Battle of San Jacinto; and

Whereas, Twenty-one members of the Alabama and Coushatti tribe joined and followed the leadership of Robert E. Lee and Stonewall Jackson during the Civil War, and have been peaceful, law abiding citizens; and

Whereas, In the year 1935, Chief Sun Kee passed to his reward, and on the first day of January, 1936, there will be inaugurated and installed a new Chief for said tribe of Indians; and

Whereas, It is befitting for the State of Texas to have a hand and, a great part in presenting to the new Chief a medal commemorating the one hundred years of peace between the Texas Indians and the people of Texas; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Governor of Texas is hereby authorized to present to the new Chief the medal that the citizens of Polk County have purchased to be given and worn by the new Chief who will be installed and inaugurated on January 1, 1936, commemorating one hundred years of peace between the Texas Indians and the people of Texas.

The resolution was read second time, and was adopted.

#### EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read the following communication:

The University of Texas  
Austin, Texas, October 26, 1935.

Honorable Coke Stevenson,  
Speaker of the House of Representatives  
Austin, Texas.

Dear Mr. Stevenson:

At a meeting of the Board of Regents of The University of Texas held October 19, President Benedict reported that through the interest and courtesy of yourself and the House of Representatives the old public address system formerly used by the House of Representatives has been donated to the Department of Electrical Engineering at the University. This equipment will be of very great use for experimental and research purposes in our Department of Electrical Engineering, and the Board of Regents requested that their sincere gratitude be expressed to you and to the members of the House of Representatives of the Forty-fourth Legislature, First Called Session.

Yours very respectfully,  
LEO C. HAYNES,  
Secretary.

#### RELATIVE TO HOUSE BILL NO. 5

Mr. Worley moved, that the regular order of business be suspended, at this time, to take up and have placed on

third reading and final passage House Bill No. 5.

The motion was lost.

#### HOUSE BILL NO. 46 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 46, A bill to be entitled "An Act levying and imposing occupation taxes, in addition to those now prescribed by law on certain industries and public utilities, and natural resources, such as gas, sulphur and oil; providing for certain exemptions and defining terms used in the Act;

taxes on soft drinks; etc., and declaring an emergency."

The bill having heretofore been read second time.

The House having agreed to consider the bill section by section.

Mr. Wood of Harrison offered the following amendment to the bill:

Amend House Bill No. 46, page 4, by striking out all of Section 5 down to the word "reports" in line 23, and inserting the following:

"Section 5. There is hereby levied on all persons, firms, partnerships and corporations who own or operate hotels in this State an occupation tax on the following classification:

Where the hotel has 300 bedrooms or more, the license shall be .....	\$750.00 per year
Where the hotel has 250 and less than 300 bedrooms, the license shall be.....	650.00 per year
Where the hotel has 200 and less than 250 bedrooms, the license shall be.....	500.00 per year
Where the hotel has 150 and less than 200 bedrooms, the license shall be.....	400.00 per year
Where the hotel has 100 and less than 150 bedrooms, the license shall be.....	350.00 per year
Where the hotel has 75 and less than 100 bedrooms, the license shall be.....	250.00 per year
Where the hotel has 50 and less than 75 bedrooms, the license shall be.....	150.00 per year
Where the hotel has 25 and less than 50 bedrooms, the license shall be.....	100.00 per year
Where the hotel has less than twenty-five bedrooms, the license shall be.....	10.00 per year"

Mr. Lindsey offered the following substitute for the amendment by Mr. Wood of Harrison:

Amend House Bill No. 46, by substituting the following for Section 5:

"Section 1. As used herein the word hotels means any house or building where lodging, with or without food, is furnished or offered to be furnished to travellers or casual guests. The expression tourist camp, as used herein, means any group of cottages, cabins or houses, not less than two in number, operated under one management or ownership in contiguous locality where lodging, with or without food, is furnished or offered to be furnished to travellers or casual guests.

"Section 2. Any person who as owner, manager, agent or employe operates, conducts or carries on a hotel or tourist camp business in this State

without first having obtained license therefor as is hereinafter provided, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in any sum not less than \$500.00, and each days operation shall constitute a separate offense.

"Section 3. The licenses herein provided for shall be delivered to the applicant by the county tax collector of the county wherein the applicant's business is situated, upon permission and authority of the Comptroller, when the tax herein levied is paid to such tax collector. The license shall be upon a form or forms drawn by the Attorney General, signed by the tax collector and the Comptroller. The said license shall run for one year, but may be paid quarterly, all such licenses to expire and become renewable at the end of the State's fiscal year, namely August 31. The license

shall be posted in a conspicuous place about the hotel or tourist camp for which it is issued. Such license may be transferred, but all transfers shall be filed for record with the tax collector and the Comptroller.

"Section 4. The amount of the occupation tax herein provided shall be ascertained and fixed upon a basis of population and upon a basis of extent of business presumed to be handled. For each hotel in a rural place, town or city of less than 5000 population the tax shall be \$50.00 per year for each hotel of ten rooms or less and \$10.00 per year each room in excess of ten; in each city or town of more than 5000 and not more than 50,000 population the tax shall be \$75.00 per year for ten rooms or less and \$15.00 for each room in excess of ten; in each city or town of 50,000 population or more the tax shall be \$100.00 per year for each hotel of ten rooms or less and \$35.00 per room for each room in excess of ten. For the purpose of computing said tax the maximum number of persons who may be accommodated in one room shall be three; that is to say if a room accommodates more than three persons it shall be dealt with and taxed as a single room for each three persons it is equipped to accommodate. The tax upon tourist camps shall be upon the same population basis as for hotels, but the unit of taxation shall be the cabin, cottage or house, and any cabin, cottage or house capable of accommodating or equipped to accommodate more than three persons shall be taxed as more than a single unit; that is to say, if the same accommodated four persons, the tax shall be for two units, if more than six persons, then more than two units and so forth.

"Section 5. The funds realized from this tax shall be apportioned one-fourth to the Public School Fund and the remaining three-fourths to the payment of old age pensions; provided that the Legislature may at each biennial session appropriate from the moneys collected hereunder a sufficient amount to pay for the administration of this Act.

"Section 6. The Comptroller is authorized to employ one additional clerk whose duty shall be to attend to the enforcement and collection of the tax

herein levied, at a salary not to exceed \$125.00 per month."

LINDSEY,  
SESSIONS.

(Pending consideration of the substitute amendment, Mr. Morse occupied the Chair temporarily.)

(Speaker in the Chair.)

On motion of Mr. Roach of Hunt, the substitute amendment by Mr. Lindsey, was tabled.

On motion of Mr. Harris of Dallas, the amendment by Mr. Wood of Harrison, was tabled.

Mr. Roach of Hunt offered the following amendment to the bill:

Amend Section 5 of House Bill No. 46, by adding a new paragraph at the end thereof to read as follows:

"A 'hotel,' as used herein, means an enclosure of any kind providing lodging for the general public."

The amendment was adopted.

Mr. Dwyer offered the following amendment to the bill:

Amend House Bill No. 46, by striking out "Section 5" and renumbering all other sections accordingly.

DWYER,  
READER.

Mr. Frazer moved to table the amendment by Mr. Dwyer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—88

Adamson	Farmer
Adkins	Fisher
Aikin	Fox
Alexander	Frazer
Alsup	Fuchs
Ash	Gibson
Beck	Glass
Bergman	Good
Bourne	Greathouse
Bradbury	Harris of Archer
Broyles	Head
Burton	Herzik
Butler of Brazos	Hill
Cagle	Hodges
Canon	Hoskins
Cooper	Huddleston
Craddock	Hunt
Davis	Hunter
Davisson	James
of Eastland	Jones of Atascosa
Dunlap of Hays	Jones of Falls
Fain	Jones of Shelby

Jones of Wise	Roach of Hunt
Keefe	Roark
King	Rogers
Knetsch	Russell
Lanning	Rutta
Lemens	Scarborough
Lindsey	Sessions
Lotief	Settle
Lucas	Smith
Luker	Stanfield
Mauritz	Stovall
McFarland	Tarwater
McKinney	Tennyson
Moffett	Tillery
Morris	Waggoner
Newton	Wells
Nicholson	Westfall
Olsen	Wood of Harrison
Padgett	Wood of Montague
Palmer	Worley
Reed of Bowie	Young
Riddle	Youngblood
Roach of Angelina	

## Nays—35

Atchison	Harris of Dallas
Butler of Karnes	Hartzog
Caldwell	Hofheinz
Calvert	Holland
Clayton	Jackson
Collins	Leath
Colquitt	McCalla
Colson	McConnell
Cowley	Morrison
Crossley	Morse
Davison of Fisher	Patterson
Dickison	Reader
Dunagan	Reed of Dallas
Duvall	Roane
Dwyer	Stinson
Ford	Thornton
Hankamer	Walker
Hanna	

## Absent

Bradford	Latham
Celaya	Leonard
Graves	Payne
Hardin	Petsch
Howard	Quinn
Jefferson	Shofner
Lange	Steward

## Absent—Excused

Daniel	McKee
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	Roberts
Gray	Spears
Hyder	Venable

## RECESS

On motion of Mr. Wells, the House at 12:15 o'clock p. m., took recess to 2:00 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

## RELATIVE TO HOUSE BILL NO. 50

By unanimous consent of the House, Mr. Lindsey was authorized to withdraw House Bill No. 50, from the Committee on Revenue and Taxation.

## APPROVING CERTAIN W. P. A. PROJECT

Mr. Leonard offered the following resolution:

H. C. R. No. 5, Approving certain W. P. A. project.

Whereas, It has been brought to the attention of the State of Texas that much property in Texas is now escaping taxation by reason of the fact that much real property in Texas has not been put on the tax rolls due to an inadequate system of correlating the abstract and tax records in the various counties of Texas; and

Whereas, Attention has also been directed to the fact that there are many duplicate tax assessments in Texas, resulting in double or excessive taxation; and

Whereas, There exists no present system for the classification of lands in Texas in order to establish a basis for the fair valuation of real property; and

Whereas, The State Works Progress Administration has approved application No. 300-24, being a project which would discover land now escaping taxation, eliminate duplicate assessments, and classify property for the purpose of taxation by the making of a permanent record in each of the two hundred and fifty-four (254) counties of Texas; and

Whereas, The said application was made "Subject to the approval of the Texas Legislature, to be expressed by a concurrent resolution approving the same"; and

Whereas, The project has been finally approved by the Works Progress Administration in Washington, and an award has been made to the State of Texas through the State Tax Board in the amount of Two Million, Three Hundred and Fifty-four Thousand, Five Hundred and Fifty-two (\$2,354,552) Dollars, which sum of money will become available to the State only

after this project has been approved by the Legislature of the State of Texas; and

Whereas, The Honorable H. P. Drought, State Administrator for the Works Progress Administration, has advised that it is now proper for this Legislature to approve said project; and

Whereas, Said project would give employment to more than four thousand (4,000) persons in the counties of Texas now on the relief rolls; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That said project as described, being application No. 300-24, is approved by this Legislature; and be it further

Resolved, That this body express its appreciation to Honorable H. P. Drought and his associates in the Works Progress Administration for making available to Texas the sum of Two Million, Three Hundred and Fifty-four Thousand, Five Hundred and Fifty-two (\$2,354,552) Dollars for the purpose of carrying out this project.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas—98

Adamson	Fuchs
Alexander	Gibson
Alsup	Glass
Ash	Good
Atchison	Hankamer
Bergman	Hanna
Bourne	Harris of Archer
Bradford	Head
Butler of Brazos	Herzik
Butler of Karnes	Hodges
Cagle	Hofheinz
Canon	Holland
Celaya	Hoskins
Clayton	Howard
Collins	Huddleston
Cooper	Hunt
Cowley	Hunter
Crossley	Jackson
Davison of Fisher	James
Davison	Jefferson
of Eastland	Jones of Shelby
Dickison	Jones of Wise
Fain	Keefe
Fisher	King
Ford	Knetsch
Fox	Lanning
Frazer	Latham

Leonard	Rogers
Lucas	Russell
McCalla	Rutta
McConnell	Scarborough
McFarland	Sessions
McKinney	Settle
Moffett	Shofner
Morris	Smith
Morrison	Steward
Morse	Stinson
Newton	Stovall
Nicholson	Tarwater
Olsen	Tennyson
Palmer	Thornton
Patterson	Waggoner
Payne	Wells
Petsch	Westfall
Quinn	Wood of Harrison
Reader	Wood of Montague
Reed of Dallas	Worley
Roach of Angelina	Young
Roach of Hunt	Youngblood
Roark	

## Nays—20

Aikin	Hardin
Bradbury	Harris of Dallas
Broyles	Hill
Burton	Lindsey
Caldwell	Lotief
Colquitt	Luker
Colson	Reed of Bowie
Craddock	Roane
Farmer	Tillery
Greathouse	Walker

## Absent

Adkins	Jones of Atascosa
Beck	Jones of Falls
Calvert	Lange
Davis	Leath
Dunagan	Lemens
Dunlap of Hays	Mauritz
Duvall	Padgett
Dwyer	Riddle
Graves	Stanfield
Hartzog	

## Absent—Excused

Daniel	McKee
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	Roberts
Gray	Spears
Hyder	Venable

HOUSE BILL NO. 46 ON PASSAGE  
TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 46, relative to levying and imposing certain occupation taxes.

The bill having heretofore been read second time.

The House having agreed to consider the bill section by section.

Mr. Thornton offered the following amendment to the bill:

Amend Section 6 of House Bill No. 46, by adding at the end thereof the following:

"Provided this section shall not apply to those transportation agencies included in the tax provisions of the Federal Social Security Act or the Federal Railroad Retirement Acts, and which agencies are included in the provisions of the Intangible Assets Tax Laws of this State."

THORNTON,  
READER.

Mr. Lucas offered the following amendment to the amendment:

Amend Thornton-Reader amendment by striking out the period at end of same, and inserting a comma in lieu thereof, and by adding the following: "unless the tax provisions of such Federal Acts are declared unconstitutional."

(Mr. Roark in the Chair.)

Question recurring on the amendment to the amendment by Mr. Thornton, it was adopted.

(Speaker in the Chair.)

Mr. Jones of Wise moved to table the amendment by Mr. Thornton.

The motion to table was lost.

Question recurring on the amendment by Mr. Thornton, as amended, it was adopted.

Mr. Rogers offered the following amendment to the bill:

Amend House Bill No. 46, by striking out all of "Section 6" on pages 4 and 5.

ROGERS,  
JONES of Wise.

On motion of Mr. Butler of Brazos, the amendment was tabled.

Mr. McConnell moved to reconsider the vote, by which the amendment by Mr. Thornton, relative to transportation agencies, was adopted.

Mr. Thornton moved to table the motion by Mr. McConnell.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—86

Adamson	Jackson
Aikin	James
Alexander	Jefferson
Alsup	Jones of Atascosa
Ash	Jones of Falls
Atchison	Keefe
Beck	King
Bergman	Knetsch
Broyles	Latham
Burton	Lemens
Butler of Brazos	Lucas
Cagle	Mauritz
Caldwell	McCalla
Canon	McFarland
Clayton	McKinney
Collins	Moffett
Colquitt	Morris
Colson	Morrison
Cowley	Morse
Craddock	Newton
Crossley	Padgett
Davison of Fisher	Payne
Dickison	Reed of Bowie
Dunagan	Reed of Dallas
Dunlap of Hays	Roach of Angelina
Duvall	Roach of Hunt
Ford	Roane
Fox	Roark
Frazer	Roberts
Fuchs	Russell
Gibson	Rutta
Glass	Scarborough
Graves	Settle
Hankamer	Shofner
Hanna	Smith
Harris of Dallas	Stanfield
Hartzog	Tennyson
Hill	Thornton
Hofheinz	Waggoner
Holland	Wells
Hoskins	Wood of Harrison
Howard	Young
Hunter	Youngblood

Nays—35

Adkins	Lanning
Bourne	Lindsey
Bradbury	Lotief
Butler of Karnes	McConnell
Cooper	Nicholson
Fain	Olsen
Farmer	Palmer
Fisher	Patterson
Good	Quinn
Greathouse	Rogers
Hardin	Sessions
Harris of Archer	Stovall
Herzik	Tillery
Hodges	Walker
Huddleston	Westfall
Hunt	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	



## Present—Not Voting

Davis

## Absent

Bradford	Leonard
Calvert	Luker
Celaya	Petsch
Davisson	Reader
of Eastland	Riddle
Dwyer	Steward
Head	Stinson
Lange	Tarwater
Leath	

## Absent—Excused

Daniel	McKee
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	Spears
Gray	Venable
Hyder	

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 46 by changing line 30, page 4, to read as follows:

"doing an express, freight, or passenger business by steam or electric railroad, by truck, bus, or by airplane flying, and/or any propelled"

The amendment was adopted.

Mr. Dunlap of Hays offered the following amendment to the bill:

Amend House Bill No. 46, by adding thereto a new Section No. 6a to read as follows:

"6a. Each individual, company, association, or corporation engaged in the business of operating a pipe line in this State shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller under oath of the individual or of the president, treasurer or superintendent of such company, corporation, or association, showing the gross amount received from intrastate business done within this State, in the payment of charges from transporting crude petroleum oil and/or any of its by-products, and natural gas through the pipe line operated by such individual, company, association or corporation, or from other sources of revenue received from intrastate business during the quarter next preceding. Said individuals, companies, associations, or corporations, at the time of making said report shall pay to the State Treasurer an occupation tax for the quarter beginning on said

date equal to 2½% of said gross receipts as shown by said report."

DUNLAP of Hays,  
GREATHOUSE,  
FARMER.

Mr. Colquitt offered the following amendment to the amendment by Mr. Dunlap of Hays:

Amend Dunlap of Hays amendment by changing levy to "one-half of 1%."

COLQUITT,  
NICHOLSON.

Mr. Dunlap of Hays moved to table the amendment by Mr. Colquitt.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—67

Adamson	Leath
Adkins	Lemens
Alsup	Lindsey
Beck	Lotief
Bradbury	Lucas
Broyles	Luker
Burton	McConnell
Butler of Karnes	Moffett
Cagle	Morris
Craddock	Morrison
Davison of Fisher	Newton
Dunlap of Hays	Olsen
Fain	Palmer
Farmer	Patterson
Fisher	Payne
Ford	Petsch
Fox	Reed of Bowie
Fuchs	Roach of Angelina
Glass	Roach of Hunt
Good	Russell
Graves	Rutta
Greathouse	Scarborough
Hardin	Sessions
Head	Settle
Herzik	Shofner
Hodges	Smith
Hofheinz	Stovall
Huddleston	Tillery
Hunt	Wells
Jones of Falls	Westfall
Jones of Shelby	Wood of Harrison
Jones of Wise	Wood of Montague
Keefe	Youngblood
King	

Nays—57

Aikin	Caldwell
Alexander	Canon
Atchison	Celaya
Bergman	Clayton
Bradford	Collins
Butler of Brazos	Colson

Cooper	Leonard
Crossley	Mauritz
Davis	McCalla
Davisson	McFarland
of Eastland	McKinney
Dickison	Morse
Dunagan	Nicholson
Dwyer	Padgett
Frazer	Reed of Dallas
Gibson	Roane
Hankamer	Roark
Harris of Archer	Roberts
Harris of Dallas	Rogers
Hartzog	Stanfield
Hill	Steward
Howard	Stinson
Jackson	Tarwater
James	Tennyson
Jefferson	Thornton
Jones of Atascosa	Waggoner
Knetsch	Walker
Lanning	Worley
Latham	Young

## Absent

Ash	Holland
Bourne	Hoskins
Calvert	Hunter
Colquitt	Lange
Cowley	Quinn
Duvall	Reader
Hanna	Riddle

## Absent—Excused

Daniel	McKee
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	Spears
Gray	Venable
Hyder	

Mr. Butler of Brazos offered the following amendment to the amendment by Mr. Dunlap of Hays:

Amend the Dunlap of Hays amendment, by inserting in lieu of "2½%," the words and figures "one per cent (1%)."

BUTLER of Brazos,  
COLLINS,  
COOPER.

(Pending consideration of the amendment to the amendment, Mr. Hanna occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Dunlap of Hays moved to table the amendment by Mr. Butler of Brazos.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—60

Adamson	Jones of Shelby
Adkins	Jones of Wise
Alsup	Keefe
Ash	Leath
Beck	Lemens
Bergman	Lindsey
Bourne	Lotief
Bradbury	Lucas
Burton	Luker
Butler of Karnes	McConnell
Cagle	Moffett
Calvert	Morris
Craddock	Newton
Davison of Fisher	Olsen
Dunlap of Hays	Palmer
Fain	Patterson
Farmer	Reader
Fisher	Reed of Bowie
Ford	Roach of Angelina
Fox	Roach of Hunt
Glass	Rutta
Graves	Sessions
Greathouse	Settle
Hardin	Smith
Head	Stovall
Herzik	Tillery
Hodges	Waggoner
Huddleston	Westfall
Hunt	Wood of Harrison
Jones of Falls	Youngblood

## Nays—69

Aikin	Hanna
Alexander	Harris of Archer
Atchison	Harris of Dallas
Bradford	Hartzog
Broyles	Hofheinz
Butler of Brazos	Holland
Caldwell	Hoskins
Canon	Howard
Celaya	Hunter
Clayton	Jackson
Collins	James
Colquitt	Jefferson
Colson	Jones of Atascosa
Cooper	King
Cowley	Knetsch
Crossley	Lanning
Davis	Latham
Davisson	Mauritz
of Eastland	McCalla
Dickison	McFarland
Dunagan	McKinney
Duvall	Morrison
Dwyer	Morse
Frazer	Nicholson
Gibson	Padgett
Good	Petsch
Hankamer	Quinn

Reed of Dallas	Steward
Roane	Stinson
Roark	Tennyson
Roberts	Thornton
Rogers	Walker
Scarborough	Wells
Shofner	Wood of Montague
Stanfield	Worley

## Absent

Fuchs	Riddle
Hill	Russell
Lange	Tarwater
Leonard	Young

## Absent—Excused

Daniel	McKee
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	Spears
Gray	Venable
Hyder	

## REASON FOR VOTE

I voted to table Mr. Butler's of Brazos amendment, to Mr. Dunlap's of Hays amendment, and voted against it when the motion to table did not prevail, because I was in favor of the tax contained in Mr. Dunlap's original amendment. After the Butler amendment was adopted I voted "yea" on the Dunlap amendment as amended, although the last vote is not shown in the Journal as there was no record vote. The above mentioned votes appear on pages 103, 104 and 105 of Monday, October 28, 1935.

## LUCAS.

Question recurring on the amendment by Mr. Butler of Brazos to the amendment, yeas and nays were demanded.

The amendment to the amendment was adopted by the following vote:

## Yeas—102

Aikin	Collins
Alexander	Colquitt
Alsup	Colson
Ash	Cooper
Atchison	Cowley
Beck	Crossley
Bergman	Davis
Bradford	Davison of Fisher
Butler of Brazos	Davison
Cagle	of Eastland
Caldwell	Dickison
Calvert	Dunagan
Canon	Duvall
Clayton	Fain

Farmer	McConnell
Fisher	McFarland
Ford	McKinney
Fox	Moffett
Fuchs	Morris
Gibson	Morrison
Good	Morse
Graves	Newton
Hanna	Padgett
Harris of Archer	Palmer
Harris of Dallas	Patterson
Hartzog	Petsch
Head	Quinn
Herzik	Reader
Hodges	Reed of Bowie
Hofheinz	Reed of Dallas
Holland	Roane
Hoskins	Roark
Howard	Roberts
Hunt	Rogers
Hunter	Rutta
Jackson	Scarborough
James	Sessions
Jefferson	Settle
Jones of Atascosa	Shofner
Jones of Falls	Stanfield
Jones of Shelby	Steward
Jones of Wise	Stinson
Keefe	Tennyson
King	Thornton
Knetsch	Tillery
Lanning	Walker
Latham	Wells
Leath	Wood of Harrison
Lemens	Wood of Montague
Luker	Worley
Mauritz	Youngblood
McCalla	

## Nays—21

Adamson	Hankamer
Bourne	Hardin
Bradbury	Huddleston
Broyles	Lindsey
Burton	Lotief
Butler of Karnes	Lucas
Celaya	Nicholson
Craddock	Roach of Hunt
Dwyer	Waggoner
Glass	Westfall
Greathouse	

## Present—Not Voting

Roach of Angelina	Stovall
Smith	

## Absent

Adkins	Olsen
Dunlap of Hays	Payne
Frazer	Riddle
Hill	Russell
Lange	Tarwater
Leonard	Young

## Absent—Excused

Daniel	McKee
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	Spears
Gray	Venable
Hyder	

The amendment by Mr. Dunlap of Hays, as amended, was then adopted.

Mr. Dunlap of Hays moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Question—Shall House Bill No. 46 pass to engrossment?

## MESSAGE FROM THE SENATE

Austin, Texas, October 28, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 5, Approving W. P. A. project, application No. 300-24.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

EXTENDING CONGRATULATIONS  
TO HON. AND MRS. VERNON  
LEMENS

Mr. Wells offered the following resolution:

Whereas, The Gods of Fortune have been extremely kind to one of our fellow members and his lovely wife; and

Whereas, This kindness has been expressed in the shape of a baby boy; and

Whereas, The members of the House are very happy for our proud fellow member, and his wife; therefore, be it

Resolved by the House of Representatives, That congratulations be extended to the Honorable Vernon Lemens and his wife upon the happy occasion which occurred last Saturday, and express wishes to the effect that best health and good fortune attend the addition to the Lemens' family in his way through life; and be it further

Resolved, That the Honorable Vernon Lemens be invited to address the House on the advantages of fatherhood, and that the Chief Clerk be in-

structed to send flowers to Mrs. Lemens, with congratulations.

WELLS,  
HARRIS of Dallas,  
LEONARD,  
WOOD of Harrison,  
RUSSELL,  
HARTZOG,  
ATCHISON.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Wise, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Westfall, Wood of Montague, Worley, Young and Youngblood.

The resolution was read second time.

On motion of Mr. Hunter, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

RESOLUTIONS SIGNED BY THE  
SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 1, Authorizing the Governor to make presentation of certain medal.

H. C. R. No. 5, Approving certain W. P. A. project.

#### MESSAGE FROM THE SENATE

Austin, Texas, October 28, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 26, with the following instructions:

"That the Senate accedes to the request of the House for the appointment of a conference committee and that the Senate Conferees on the Conference Committee on House Bill No. 26 be instructed not to incorporate in any bill the Conference Committee may report to the Senate, a provision for a sales tax, or for a gross receipt tax on retail sales of merchandise. Said conferees are hereby further instructed not to put any tax provisions in their report but leave the matter of tax bills and revenue measures for the House to originate and first pass as required by the Constitution."

The following have been appointed on the part of the Senate:

Senators Sanderford, Shivers, Davis, Regan and Holbrook.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### RECESS

Mr. Caldwell moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Wells moved that the House recess to 9:30 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Wells, it prevailed, and the House, accordingly, at 5:35 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

#### APPENDIX

#### STANDING COMMITTEE REPORT

The Committee on State Affairs filed a favorable report on House Concurrent Resolution No. 4.

#### REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,  
Austin, Texas, October 26, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 54, A bill to be entitled "An Act to amend Article 2956 Revised Civil Statutes of Texas of 1925, as amended by the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

#### REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,  
Austin, Texas, October 28, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 5, Approving application No. 300-24 of the State Works Progress Administration.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

#### FIFTH DAY

(Continued)

(Tuesday, October 29, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

#### HOUSE BILL NO. 53 ON SECOND READING

On motion of Mr. Olsen (by unanimous consent), the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 53, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain extended municipal school districts pursuant to an election to be held for that purpose; defining the term 'extended municipal school district' and the